

F I S H E R | T A U B E N F E L D L L P

225 Broadway, Suite 1700
New York, New York 10007
Main 212.571.0700
Fax 212.505.2001
www.fishertaubenfeld.com

Writer's direct dial: (212) 384-0258
Writer's email: michael@fishertaubenfeld.com

April 17, 2020

VIA ECF

Hon. Sandra J. Feuerstein
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014

Re: Franco v. Stardust Diners, Inc. et al.
Case No.: 18-cv-04537 (SJF)(AYS)

Dear Judge Feuerstein:

We represent Plaintiff in this matter. We write to jointly respectfully request, along with Defendants, that the Court extend discovery in this matter for 30 days from May 1, 2020 until June 1, 2020 and adjourn the May 5, 2020 conference. This is the parties' third request to extend discovery, and the Court granted the last one, although for fewer days than requested. Although the Court stated that the last extension would be the final one, that was at the beginning of the COVID-19 pandemic and before New York State shut down all nonessential businesses. The mandatory shutdown has closed the offices of all counsel. These closures have delayed the parties' progress in producing documents, which the parties are still in the process of doing. In addition, I have been ill for the last few weeks, which, coupled with familial obligations and religious obligations relating to Passover, has prevented me from doing any work on this case during that time.

Finally, as the Court is aware, Governor Cuomo has extended the mandatory closures through May 15. As such, the only way to do depositions by May 1 would be remotely from home. However, I have three young children, including a 15 month old daughter. My older children attend school remotely, and I must monitor their use of the remote software. Coupled with caring for a precocious toddler, it would be impossible for me to block off multiple hours over a period of days for the depositions of the three parties in this case. With the Court's permission, we will tentatively schedule the depositions for late May so that they can be taken in person once the mandatory closures are hopefully lifted.

Accordingly, we respectfully contend that the COVID-19 pandemic and mandatory shutdown of most New York businesses constitute extraordinary circumstances justifying another extension. As such, we respectfully request an additional 30 days – until June 1 – to complete discovery in this matter.

Thank you for your attention to the above.

Sincerely,

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Michael Taubenfeld